

BEFORE THE NATIONAL LABOR RELATIONS BOARD

LEGGETT & PLATT, INC.	:		
and	:	Case Nos.	09-CA-194057
			09-CA-196426
INTERNATIONAL ASSOCIATION OF	:		09-CA-196608
MACHINISTS AND AEROSPACE	:		
WORKERS (IAM), AFL-CIO	:		

**UNION’S RESPONSE IN OPPOSITION
TO EMPLOYER’S MOTION FOR RECONSIDERATION**

On January 3, 2019, Respondent Leggett & Platt, Inc. (“Employer”) filed a “Motion for Reconsideration” of the Board’s December 9, 2019, Decision and Order in which the Board decided not to apply the new rule enunciated in *Johnson Controls*, 368 NLRB No. 20 (July 3, 2019), to the facts of this case. The Employer argues that the Board should grant its motion because the December 9th Decision “is not only an unjustified departure from its traditional retroactivity standards, but it also contradicts the Board’s own reasoning.” In other words, the Employer is *very unhappy* with the Board’s decision not to apply *Johnson Controls* retroactively to this case.

A motion for reconsideration, however, must be supported by more than a party’s heartfelt displeasure at the Board’s decision. The Board’s rule governing such motions is very clear: Section 102.48(d)(1) of the Board’s Rules and Regulations mandates that a motion for reconsideration will only be considered “because of extraordinary circumstances.” The Employer’s vehement displeasure with the Board’s decision simply does not come close to constituting an “extraordinary circumstance.” In every case the losing party is unhappy with the result. To permit reconsideration based on nothing more than the reasons cited by the Employer

here will transform such motions from an extraordinary motion to a routine procedural step certain to be filed by virtually every non-prevailing party.

The Employer's motion for reconsideration is groundless and was likely filed solely for the purpose of further delaying this already prolonged case. It should be denied forthwith.

Respectfully submitted,

IAMAW LEGAL DEPARTMENT

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has served, via electronic transmission, true and correct copies of the foregoing brief and proposed findings of fact, conclusions of law, and proposed remedy, upon:

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Dated: January 15, 2020